

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THOMAS P. KOESTLER,

1:16-cv-07175-DLC

Petitioner,

-against-

ORDER

MARTIN SHKRELI,

Respondent.

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DENISE L. COTE, District Judge

The Court having issued the *Order for Turnover and Appointment of Receiver* dated August 16, 2021 (ECF #120, the “Receivership Order,”)¹ in connection with a Judgment (ECF #22) pursuant to which Derek C. Abbott was appointed as Receiver; and

The Court having extended the term of the Receivership through and including February 16, 2023; and

The Receiver having made application to the Court for an order supplementing the Receivership Order in aid of his execution of his duties as Receiver and to facilitate the Receiver’s ability to maintain and maximize the value of the Phoenixus Stock until a sale can be achieved;

IT IS ORDERED, that the Receiver’s application is granted as follows:

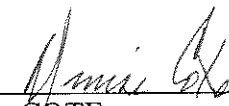
1. The Receiver shall, upon the Receiver’s written agreement to accept legal ownership, be the legal owner of the Phoenixus Stock subject to: (a) the requirements of the Receivership Order, and (b) Phoenixus and the Receiver entering into a mutually agreeable agreement indemnifying the Receiver in connection with such legal ownership;

¹ Capitalized terms are as defined in the *Order for Turnover and Appointment of Receiver* (ECF #120).

2. The Judgment Debtor Martin Shkreli shall remain the beneficial owner of the Phoenixus Shares for all tax purposes, including but not limited to any U.S. federal, state, local or international income tax, share transfer tax, or any other applicable tax, and for purposes of any applicable tax treaty;
3. Phoenixus is hereby authorized to enter the Receiver, in such capacity, onto its share registry as the legal owner (but not beneficial owner) of the Phoenixus Stock from and after the Receiver's written agreement to become legal owner of the Phoenixus Stock;
4. The Receiver and Phoenixus are hereby authorized to request the assistance of any foreign court of competent authority and jurisdiction to assist in the implementation of the Court's orders to the extent necessary;
5. This Court hereby requests any such court's cooperation in support of any request by the Receiver or Phoenixus to implement the terms of the Receivership Order as supplemented by this Order, and any other Order of this Court; and
6. Phoenixus is hereby authorized to forego the change in ownership of the Phoenixus Shares should it obtain an alternate suitable banking relationship prior to termination by its existing commercial bank.

SO ORDERED.

Dated: September 28, 2022
New York, New York



DENISE L. COTE
United States District Judge